



ADVISORY BULLETIN

June 22, 2020

Supersedes November 1, 2019

Requirements and Restrictions for Edible Marijuana Product

Processors who will manufacture marijuana-infused and edible marijuana products should take note of the following rule requirements. This list is not all-inclusive and merely highlights some key areas that should be considered.

Rule 3 in the Marijuana-Infused Products and Edible Marijuana Product Rule Set - R 420.403

A producer of edible marijuana product shall comply with all the following Code of Federal Regulations (CFR) items to ensure safe preparation:

- Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food, 21 CFR part 117. Any potentially hazardous ingredients used to process shelf-stable edible marijuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
- Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food, 21 CFR part 110. A marijuana business shall ensure that any handling of marijuana product is compliant.

To ensure compliance with the safe preparation standards processors must comply with one or more of the following:

- The FDA Food Safety Modernization Act, 21 USC 2201 to 2252.
- The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1 adopted by reference pursuant to R 420.402.

The agency may request in writing documentation to verify certifications and compliance with these rules.

The licensee shall comply with the requirements listed below:

- Maintain formulation records for all marijuana products. These records at a minimum must include the recipe, any additional processing in order to be shelf stable, and test results for any ingredients used.
- Provide annual employee training for all employees on safe food handling and demonstrate an employee's completion of this training by providing proof of food handler

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certification that includes documentation of employee food handler training, including, but not limited to, allergens and proper sanitation and safe food handling techniques.

- The licensee must have an employee on staff who is certified as a Food Protection Manager.

A processor is prohibited from producing an edible marijuana product that requires time or temperature control for safety. The end-product must be a shelf stable edible marijuana product.

Please refer to this [bulletin](#) for a list of products that can be produced and a list of products which are prohibited.

A producer of edible marijuana product shall comply with all the following:

- Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.
- Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
- Edible marijuana products shall not be easily confused with commercially sold candy.
- The use of the word candy or candies on the packaging or labeling is prohibited.
- Edible marijuana products shall not be in the distinct shape of a human, animal, or fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.
- Edible marijuana products that are geometric shapes and simply fruit flavored are permissible.
- An edible marijuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15.
- An edible marijuana product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.
- A product must have an expiration date, upon which the marijuana product is no longer fit for consumption. Once a label with an expiration date has been affixed to a marijuana product, a licensee shall not alter that expiration date or affix a new label with a later expiration date.

The processor shall label all products with the following:

- Allergen labeling as specified by federal labeling requirements.
- If any nutritional claim is made, appropriate labeling as specified by federal labeling requirements and these rules.

A processor shall prepackage and properly label marijuana-infused products before sale or transfer following the labeling requirements in the administrative rules.

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Questions can be sent to the Marijuana Regulatory Agency Enforcement Division via email at MRA-Compliance@michigan.gov.